

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL NIVARD BEATON,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

No. 1:20-cv-00492-AWI-EPG

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CASE WITH PREJUDICE AS BARRED BY
RES JUDICATA

(ECF Nos. 1, 6, 7)

Plaintiff, Paul Nivard Beaton, is a state prisoner proceeding *pro se* and *in forma pauperis* in this action. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 6, 2020, the assigned magistrate judge entered findings and recommendations recommending that this action be dismissed as barred by the doctrine of *res judicata*. (ECF No. 6.) The findings and recommendations were served on Plaintiff and contained notice that any objections thereto were to be filed within twenty-one days. (*Id.*) Plaintiff timely filed objections. (ECF No. 7.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, including Plaintiff's objections, the Court finds the findings and recommendations to be supported by the record and by proper analysis. Of note, Plaintiff indicates that he is bringing state law claims against Defendant. However, as the findings and recommendation indicated, such claims are not fairly raised in the complaint. Moreover, also as noted by the findings and recommendation, the only basis for jurisdiction alleged in the Complaint is under 28 U.S.C. § 1331, federal question

jurisdiction. This order resolves all of the federal causes of action in the Complaint. To the extent that state law causes of action are within the Complaint, the Court declines to exercise supplemental jurisdiction over those claims, pursuant to 28 U.S.C. § 1367(c)(3).

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations entered August 6, 2020 (ECF No. 6) are ADOPTED in full;
2. Pursuant to 28 U.S.C. § 1915(e)(2)(B), this action is DISMISSED with prejudice as barred by the doctrine of *res judicata*; and
3. The Clerk of Court be directed to close this case.

IT IS SO ORDERED.

Dated: March 5, 2021



SENIOR DISTRICT JUDGE